

and such sums as may necessary for each of fiscal years 1995 and 1996.

(Pub. L. 102-532, § 4, Oct. 27, 1992, 106 Stat. 3512.)

CODIFICATION

Section was enacted as part of the Enterprise for the Americas Initiative Act of 1992, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

SUBCHAPTER IX—STUDIES

**§§ 3301 to 3304. Repealed. Pub. L. 99-198, title XIV, § 1421, Dec. 23, 1985, 99 Stat. 1552**

Section 3301, Pub. L. 95-113, title XIV, § 1459, Sept. 29, 1977, 91 Stat. 1016, required Secretary of Agriculture to transmit to Congress, not later than March 31, 1979, an evaluation of economic and social consequences of programs of Extension Service and cooperative extension services.

Section 3302, Pub. L. 95-113, title XIV, § 1460, Sept. 29, 1977, 91 Stat. 1016, required Secretary to conduct a comprehensive study of effects of changing climate and weather on crop and livestock productivity and submit a report, with recommendations, to President and Congress within twelve months after Sept. 29, 1977.

Section 3303, Pub. L. 95-113, title XIV, § 1461, Sept. 29, 1977, 91 Stat. 1016, required Secretary to conduct, and, within twelve months after September 29, 1977, submit to President and Congress a report containing results of and Secretary's recommendations concerning an investigation and analysis of practicability, desirability, and feasibility of collecting organic waste materials.

Section 3304, Pub. L. 95-113, title XIV, § 1462, Sept. 29, 1977, 91 Stat. 1017, required Secretary to conduct a comprehensive study of status and future needs of agricultural research facilities and, within fourteen months after September 29, 1977, submit to President and Congress a report on this study, with recommendations.

SUBCHAPTER X—FUNDING AND MISCELLANEOUS PROVISIONS

**§ 3310. Limitation on indirect costs for agricultural research, education, and extension programs**

**(a) In general**

Except as otherwise provided in law, indirect costs charged against any agricultural research, education, or extension grant awarded under this Act or any other Act pursuant to authority delegated to the Under Secretary of Agriculture for Research, Education, and Economics shall not exceed 22 percent of the total Federal funds provided under the grant award, as determined by the Secretary.

**(b) Exception**

Subsection (a) of this section shall not apply to a grant awarded competitively under section 638 of title 15.

(Pub. L. 95-113, title XIV, § 1462, as added Pub. L. 105-185, title II, § 230(a), June 23, 1998, 112 Stat. 546; amended Pub. L. 107-171, title VII, § 7222, May 13, 2002, 116 Stat. 454; Pub. L. 110-234, title VII, § 7132(a), May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, § 4(a), title VII, § 7132(a), June 18, 2008, 122 Stat. 1664, 1989.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 1462 of Pub. L. 95-113 was classified to section 3304 of this title, prior to repeal by Pub. L. 99-198.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, § 7132(a), substituted “any agricultural” for “a competitive agricultural” and “22 percent” for “19 percent”.

2002—Pub. L. 107-171 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

**§ 3310a. Research equipment grants**

**(a) In general**

The Secretary may make competitive grants for the acquisition of special purpose scientific research equipment for use in the food and agricultural sciences programs of eligible institutions described in subsection (b) of this section.

**(b) Eligible institutions**

The Secretary may make a grant under this section to—

- (1) a college or university; or
- (2) a State cooperative institution.

**(c) Maximum amount**

The amount of a grant made to an eligible institution under this section may not exceed \$500,000.

**(d) Prohibition on charge of equipment as indirect costs**

The cost of acquisition or depreciation of equipment purchased with a grant under this section shall not be—

- (1) charged as an indirect cost against another Federal grant; or
- (2) included as part of the indirect cost pool for purposes of calculating the indirect cost rate of an eligible institution.

**(e) Authorization of appropriations**

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2012.

(Pub. L. 95-113, title XIV, § 1462A, as added Pub. L. 107-171, title VII, § 7402, May 13, 2002, 116 Stat. 456; amended Pub. L. 110-234, title VII, § 7133, May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, § 4(a), title VII, § 7133, June 18, 2008, 122 Stat. 1664, 1989.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-246, § 7133, substituted “2012” for “2007”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of

Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### § 3311. Authorization of appropriations

#### (a) Existing programs

Notwithstanding any authorization for appropriations for agricultural research in any Act enacted prior to September 29, 1977, there are hereby authorized to be appropriated for the purposes of carrying out the provisions of this chapter, except sections 3152,<sup>1</sup> and 2669 of this title, and the competitive grants program provided for in section 450i of this title, and except that the authorization for moneys provided under the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), is excluded and is provided for in subsection (b) of this section, such sums as may be necessary for each of fiscal years 1991 through 2012.

#### (b) Agricultural research at State agricultural experiment stations

Notwithstanding any authorization for appropriations for agricultural research at State agricultural experiment stations in any Act enacted prior to September 29, 1977, there are authorized to be appropriated for the purpose of conducting agricultural research at State agricultural experiment stations pursuant to the Act of March 2, 1887 (24 Stat. 440-442, as amended; 7 U.S.C. 361a-361i), such sums as may be necessary for each of fiscal years 1991 through 2012.

#### (c) Funding requirements for programs

Notwithstanding any other provision of law effective beginning October 1, 1983, not less than 25 per centum of the total funds appropriated to the Secretary in any fiscal year for the conduct of the cooperative research program provided for under the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a et seq.); the cooperative forestry research program provided for under the Act of October 10, 1962, commonly known as the McIntire-Stennis Act (16 U.S.C. 582a et seq.); the special and competitive grants programs provided for in sections 2(b) and 2(c) of the Act of August 4, 1965 (7 U.S.C. 450i); the animal health research program provided for under sections 3195 and 3196 of this title; the native latex research program provided for in the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178 et seq.); and the research provided for under various statutes for which funds are appropriated under the Agricultural Research heading or a successor heading, shall be appropriated for research at State agricultural experiment stations pursuant to the provision of the Act of March 2, 1887.

(Pub. L. 95-113, title XIV, §1463, Sept. 29, 1977, 91 Stat. 1017; Pub. L. 97-98, title XIV, §1437, Dec. 22, 1981, 95 Stat. 1314; Pub. L. 99-198, title XIV, §1422, Dec. 23, 1985, 99 Stat. 1552; Pub. L. 101-624, title XVI, §1601(b)(3), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 102-237, title IV, §402(12), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 104-127, title VIII, §§817, 884(d), Apr. 4, 1996, 110 Stat. 1167, 1179; Pub. L. 105-185, title III, §301(a)(12), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7113, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII,

§§7110(b), 7134, May 22, 2008, 122 Stat. 1219, 1228; Pub. L. 110-246, §4(a), title VII, §§7110(b), 7134, June 18, 2008, 122 Stat. 1664, 1980, 1989.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

Act of March 2, 1887, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

Act of October 10, 1962, referred to in subsec. (c), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly known as the “McIntire-Stennis Act of 1962” and also as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

The Native Latex Commercialization and Economic Development Act of 1978, referred to in subsec. (c), is Pub. L. 95-592, Nov. 4, 1978, 92 Stat. 2529, as amended, which, as amended by Pub. L. 98-284, May 16, 1984, 98 Stat. 181, is known as the Critical Agricultural Materials Act and is classified principally to subchapter II (§178 et seq.) of chapter 8A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 178 of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §§7110(b), 7134, struck out “3154,” after “3152,” and substituted “2012” for “2007”.

Subsec. (b). Pub. L. 110-246, §7134, substituted “2012” for “2007”.

2002—Subsec. (a). Pub. L. 107-171, §7113(1), substituted “such sums as may be necessary for each of fiscal years 1991 through 2007” for “\$850,000,000 for each of the fiscal years 1991 through 2002”.

Subsec. (b). Pub. L. 107-171, §7113(2), substituted “such sums as may be necessary for each of fiscal years 1991 through 2007” for “\$310,000,000 for each of the fiscal years 1991 through 2002”.

1998—Subsecs. (a), (b). Pub. L. 105-185 substituted “2002” for “1997”.

1996—Subsec. (a). Pub. L. 104-127, §884(d), struck out “390 to 390j,” before “3152, 3154”.

Pub. L. 104-127, §817, substituted “1997” for “1995”.

Subsec. (b). Pub. L. 104-127, §817, substituted “1997” for “1995”.

1991—Subsec. (a). Pub. L. 102-237 struck out “subchapter VII of this chapter and” after “chapter, except”.

1990—Subsec. (a). Pub. L. 101-624, §1601(b)(3)(A), substituted “\$850,000,000 for each of the fiscal years 1991 through 1995” for “\$600,000,000 for the fiscal year ending September 30, 1986, \$610,000,000 for the fiscal year ending September 30, 1987, \$620,000,000 for the fiscal year ending September 30, 1988, \$630,000,000 for the fiscal year ending September 30, 1989, and \$640,000,000 for the fiscal year ending September 30, 1990.”

Subsec. (b). Pub. L. 101-624, §1601(b)(3)(B), substituted “\$310,000,000 for each of the fiscal years 1991 through 1995” for “\$270,000,000 for the fiscal year ending September 30, 1986, \$280,000,000 for the fiscal year ending September 30, 1987, \$290,000,000 for the fiscal year ending September 30, 1988, \$300,000,000 for the fiscal year ending September 30, 1989, and \$310,000,000 for the fiscal year ending September 30, 1990.”

1985—Subsec. (a). Pub. L. 99-198, §1422(a), substituted “\$600,000,000 for the fiscal year ending September 30,

<sup>1</sup> So in original. The comma probably should not appear.

1986, \$610,000,000 for the fiscal year ending September 30, 1987, \$620,000,000 for the fiscal year ending September 30, 1988, \$630,000,000 for the fiscal year ending September 30, 1989, and \$640,000,000 for the fiscal year ending September 30, 1990” for “\$505,000,000 for the fiscal year ending September 30, 1978, \$575,000,000 for the fiscal year ending September 30, 1979, \$645,000,000 for the fiscal year ending September 30, 1980, \$715,000,000 for the fiscal year ending September 30, 1981, \$780,000,000 for the fiscal year ending September 30, 1982, \$780,000,000 for the fiscal year ending September 30, 1983, \$835,000,000 for the fiscal year ending September 30, 1984, and \$890,000,000 for the fiscal year ending September 30, 1985, and not in excess of such sums as may after the date of enactment of this title be authorized by law for any subsequent fiscal year”.

Subsec. (b). Pub. L. 99-198, §1422(b), substituted “\$270,000,000 for the fiscal year ending September 30, 1986, \$280,000,000 for the fiscal year ending September 30, 1987, \$290,000,000 for the fiscal year ending September 30, 1988, \$300,000,000 for the fiscal year ending September 30, 1989, and \$310,000,000 for the fiscal year ending September 30, 1990” for “\$120,000,000 for the fiscal year ending September 30, 1978, \$145,000,000 for the fiscal year ending September 30, 1979, \$170,000,000 for the fiscal year ending September 30, 1980, \$195,000,000 for the fiscal year ending September 30, 1981, \$220,000,000 for the fiscal year ending September 30, 1982, \$230,000,000 for the fiscal year ending September 30, 1983, \$240,000,000 for the fiscal year ending September 30, 1984, and \$250,000,000 for the fiscal year ending September 30, 1985, and not in excess of such sums as may after September 29, 1977 be authorized by law for any subsequent fiscal year”.

1981—Subsec. (a). Pub. L. 97-98, §1437(1), inserted provisions authorizing appropriations of \$780,000,000 for fiscal year ending Sept. 30, 1983, \$835,000,000 for fiscal year ending Sept. 30, 1984, and \$890,000,000 for fiscal year ending Sept. 30, 1985.

Subsec. (b). Pub. L. 97-98, §1437(2), inserted provisions authorizing appropriations of \$230,000,000 for fiscal year ending Sept. 30, 1983, \$240,000,000 for fiscal year ending Sept. 30, 1984, and \$250,000,000 for fiscal year ending Sept. 30, 1985.

Subsec. (c). Pub. L. 97-98, §1437(3), added subsec. (c).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 1422(a) and (b) of Pub. L. 99-198 provided that the amendments made by that section are effective Oct. 1, 1985.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Subchapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

### § 3312. Authorization of appropriations for extension education

Notwithstanding any authorization for appropriations for the Cooperative Extension Service in any Act enacted prior to September 29, 1977, there are hereby authorized to be appropriated for the purposes of carrying out the extension programs of the Department of Agriculture such sums as may be necessary for each of fiscal years 1991 through 2012.

(Pub. L. 95-113, title XIV, §1464, Sept. 29, 1977, 91 Stat. 1018; Pub. L. 97-98, title XIV, §1438, Dec. 22, 1981, 95 Stat. 1314; Pub. L. 99-198, title XIV, §1423, Dec. 23, 1985, 99 Stat. 1552; Pub. L. 101-624, title XVI, §1601(b)(4), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104-127, title VIII, §818, Apr. 4, 1996, 110 Stat. 1167; Pub. L. 105-185, title III, §301(a)(13), June 23, 1998, 112 Stat. 562; Pub. L. 107-171, title VII, §7114, May 13, 2002, 116 Stat. 433; Pub. L. 110-234, title VII, §7135, May 22, 2008, 122 Stat. 1228; Pub. L. 110-246, §4(a), title VII, §7135, June 18, 2008, 122 Stat. 1664, 1990.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Pub. L. 110-246, §7135, substituted “2012” for “2007”.

2002—Pub. L. 107-171 substituted “such sums as may be necessary for each of fiscal years 1991 through 2007” for “\$420,000,000 for fiscal year 1991, \$430,000,000 for fiscal year 1992, \$440,000,000 for fiscal year 1993, \$450,000,000 for fiscal year 1994, and \$460,000,000 for each of fiscal years 1995 through 2002”.

1998—Pub. L. 105-185 substituted “2002” for “1997”.

1996—Pub. L. 104-127 substituted “each of fiscal years 1995 through 1997” for “fiscal year 1995”.

1990—Pub. L. 101-624 substituted “\$420,000,000 for fiscal year 1991, \$430,000,000 for fiscal year 1992, \$440,000,000 for fiscal year 1993, \$450,000,000 for fiscal year 1994, and \$460,000,000 for fiscal year 1995” for “\$370,000,000 for the fiscal year ending September 30, 1986, \$380,000,000 for the fiscal year ending September 30, 1987, \$390,000,000 for the fiscal year ending September 30, 1988, \$400,000,000 for the fiscal year ending September 30, 1989, and \$420,000,000 for the fiscal year ending September 30, 1990.”

1985—Pub. L. 99-198 substituted “\$370,000,000 for the fiscal year ending September 30, 1986, \$380,000,000 for the fiscal year ending September 30, 1987, \$390,000,000 for the fiscal year ending September 30, 1988, \$400,000,000 for the fiscal year ending September 30, 1989, and \$420,000,000 for the fiscal year ending September 30, 1990” for “\$260,000,000 for the fiscal year ending September 30, 1978, \$280,000,000 for the fiscal year ending September 30, 1979, \$300,000,000 for the fiscal year ending September 30, 1980, \$320,000,000 for the fiscal year ending September 30, 1981, \$350,000,000 for the fiscal year ending September 30, 1982, \$360,000,000 for the fiscal year ending September 30, 1983, \$370,000,000 for the fiscal year ending September 30, 1984, and \$380,000,000 for the fiscal year ending September 30, 1985, and not in excess of such sums as may after September 29, 1977, be authorized by law for any subsequent fiscal year”.

1981—Pub. L. 97-98 inserted provisions authorizing appropriations of \$360,000,000 for fiscal year ending Sept. 30, 1983, \$370,000,000 for fiscal year ending Sept. 30, 1984, and \$380,000,000 for fiscal year ending Sept. 30, 1985.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Section 1423 of Pub. L. 99-198 provided that the amendment made by that section is effective Oct. 1, 1985.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

**§ 3313. Payment of funds**

Except as provided elsewhere in this Act or any other Act of Congress, funds available for allotment under this chapter shall be paid to each eligible institution or State at such time and in such amounts as shall be determined by the Secretary.

(Pub. L. 95–113, title XIV, § 1467, Sept. 29, 1977, 91 Stat. 1018.)

## REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 3102 of this title.

**§ 3314. Repealed. Pub. L. 105–185, title I, § 103(f)(3)(C), June 23, 1998, 112 Stat. 528**

Section, Pub. L. 95–113, title XIV, § 1468, Sept. 29, 1977, 91 Stat. 1018, related to withholding of funds if Secretary determines institution or State is not entitled to allotment under this chapter.

**§ 3315. Auditing, reporting, bookkeeping, and administrative requirements****(a) In general**

Except as provided elsewhere in this Act or any other Act of Congress—

(1) assistance provided under this chapter shall be subject to the provisions of sections 450i(e), 450i(f), and 450i(h)<sup>1</sup> of this title;

(2) the Secretary shall provide that each recipient of assistance under this chapter shall submit an annual report, at such times and on such forms as the Secretary shall prescribe, stating the accomplishments of projects (on a project-by-project basis) for which such assistance was used and accounting for the use of all such assistance. If the Secretary determines that any portion of funds made available under this chapter has been lost or applied in a manner inconsistent with the provisions of this chapter or regulations issued thereunder the recipient of such funds shall reimburse the Federal Government for the funds lost or so applied, and the Secretary shall not make available to such recipient any additional funds under this Act until the recipient has so reimbursed the Federal Government;

(3) the Secretary may retain up to 4 percent of amounts made available for agricultural research, extension, and teaching assistance programs for the administration of those programs authorized under this Act or any other Act; and

(4) the Secretary shall establish appropriate criteria for grant and assistance approval and necessary regulations pertaining thereto.

**(b) Community food projects**

The Secretary may retain, for the administration of community food projects under section 2034 of this title, 4 percent of amounts available for the projects, notwithstanding the availability of any appropriation for administrative expenses of the projects.

**(c) Peer panel expenses**

Notwithstanding any other provision of law regarding a competitive research, education, or

extension grant program of the Department of Agriculture, the Secretary may use grant program funds, as necessary, to supplement funds otherwise available for program administration, to pay for the costs associated with peer review of grant proposals under the program.

**(d) “In-kind support” defined**

In any law relating to agricultural research, education, or extension activities administered by the Secretary, the term “in-kind support”, with regard to a requirement that the recipient of funds provided by the Secretary match all or part of the amount of the funds, means contributions such as office space, equipment, and staff support.

(Pub. L. 95–113, title XIV, § 1469, Sept. 29, 1977, 91 Stat. 1019; Pub. L. 105–185, title II, § 230(b), June 23, 1998, 112 Stat. 547; Pub. L. 110–234, title IV, § 4002(b)(1)(B), (2)(H), title VII, § 7132(b), May 22, 2008, 122 Stat. 1096, 1097, 1228; Pub. L. 110–246, § 4(a), title IV, § 4002(b)(1)(B), (2)(H), title VII, § 7132(b), June 18, 2008, 122 Stat. 1664, 1857, 1858, 1989.)

## REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

Sections 450i(e), 450i(f), and 450i(h) of this title, referred to in subsec. (a)(1), were redesignated as sections 450i(f), 450i(g), and 450i(i), respectively, by Pub. L. 101–624, title XIV, § 1497(1), Nov. 28, 1990, 104 Stat. 3630.

## CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

## AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110–246, § 7132(b), substituted “made available” for “appropriated”.

Subsec. (b). Pub. L. 110–246, § 4002(b)(1)(B), (2)(H), made technical amendment to reference in original act which appears in text as reference to section 2034 of this title.

1998—Pub. L. 105–185, § 230(b)(1), reenacted section catchline without change, designated existing provisions as subsec. (a), and inserted heading.

Subsec. (a)(3). Pub. L. 105–185, § 230(b)(2), added par. (3) and struck out former par. (3) which read as follows: “three per centum of the appropriations shall be retained by the Secretary for the administration of the programs authorized under this chapter; and”.

Subsecs. (b) to (d). Pub. L. 105–185, § 230(b)(3), added subsecs. (b) to (d).

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 4002(b)(1)(B), (2)(H) of Pub. L. 110–246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as a note under section 1161 of Title 2, The Congress.

**§ 3315a. Availability of competitive grant funds**

Except as otherwise provided by law, funds made available to the Secretary to carry out a competitive agricultural research, education, or extension grant program under this or any other Act shall be available for obligation for a 2-year

<sup>1</sup> See References in Text note below.

period beginning on October 1 of the fiscal year for which the funds are made available.

(Pub. L. 95-113, title XIV, §1469A, as added Pub. L. 107-171, title VII, §7217, May 13, 2002, 116 Stat. 449.)

### **§ 3316. Rules and regulations**

The Secretary is authorized to issue such rules and regulations as the Secretary deems necessary to carry out the provisions of this chapter.

(Pub. L. 95-113, title XIV, §1470, Sept. 29, 1977, 91 Stat. 1019.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 3102 of this title.

### **§ 3317. Program evaluation studies**

(a) The Secretary shall regularly conduct program evaluations to meet the purposes of this chapter and the responsibilities assigned to the Secretary and the Department of Agriculture in this chapter. Such evaluations shall be designed to provide information that may be used to improve the administration and effectiveness of agricultural research, extension, and teaching programs in achieving their stated objectives.

(b) The Secretary is authorized to encourage and foster the regular evaluation of agricultural research, extension, and teaching programs within the State agricultural experiment stations, cooperative extension services, and colleges and universities, through the development and support of cooperative evaluation programs and program evaluation centers and institutes.

(Pub. L. 95-113, title XIV, §1471, as added Pub. L. 97-98, title XIV, §1439(a), Dec. 22, 1981, 95 Stat. 1314.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

### **§ 3318. Contract, grant, and cooperative agreement authorities**

#### **(a) Purposes, nature and construction**

The purpose of this section is to confer upon the Secretary general authority to enter into contracts, grants, and cooperative agreements to further the research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture. This authority supplements all other laws relating to the Department of Agriculture and is not to be construed as limiting or repealing any existing authorities.

#### **(b) Authority of Secretary; legal effect of agreement; participation by other Federal agencies**

(1) Notwithstanding chapter 63 of title 31, the Secretary may use a cooperative agreement as the legal instrument reflecting a relationship

between the Secretary and a State cooperative institution, State department of agriculture, college, university, other research or educational institution or organization, Federal or private agency or organization, individual, or any other party, if the Secretary determines that—

(A) the objectives of the agreement will serve a mutual interest of the parties to the agreement in agricultural research, extension, and teaching activities, including statistical reporting; and

(B) all parties will contribute resources to the accomplishment of those objectives.

(2) Notwithstanding any other provision of law, any Federal agency may participate in any such cooperative agreement by contributing funds through the appropriate agency of the Department of Agriculture or otherwise if it is mutually agreed that the objectives of the agreement will further the authorized programs of the contributing agency.

#### **(c) Duration and eligibility**

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed five years, with State agricultural experiment stations, State cooperative extension services, all colleges and universities, other research or education institutions and organizations, Federal and private agencies and organizations, individuals, and any other contractor or recipient, either foreign or domestic, to further research, extension, or teaching programs in the food and agricultural sciences of the Department of Agriculture.

#### **(d) Vesting of title**

The Secretary may vest title to expendable and nonexpendable equipment and supplies and other tangible personal property in the contractor or recipient when the contractor or recipient purchases such equipment, supplies, and property with contract, grant, or cooperative agreement funds and the Secretary deems such vesting of title a furtherance of the agricultural research, extension, or teaching objectives of the Department of Agriculture.

#### **(e) Applicable requirements**

Unless otherwise provided in this chapter, the Secretary may enter into contracts, grants, or cooperative agreements, as authorized by this section, without regard to any requirements for competition, the provisions of section 6101 of title 41, and the provisions of section 3324(a) and (b) of title 31.

(Pub. L. 95-113, title XIV, §1472, as added Pub. L. 97-98, title XIV, §1439(a), Dec. 22, 1981, 95 Stat. 1315; amended Pub. L. 99-198, title XIV, §1424, Dec. 23, 1985, 99 Stat. 1552.)

#### REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (e), see note set out under section 3102 of this title.

#### CODIFICATION

In subsec. (e), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (e), “section 3324(a) and (b) of title 31” substituted for reference to section 3648 of the Revised

Statutes (31 U.S.C. 529) on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### AMENDMENTS

1985—Subsecs. (b) to (e), Pub. L. 99-198 added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

### § 3319. Restriction on treatment of indirect costs and tuition remission

Funds made available by the Secretary under established Federal-State partnership arrangements to State cooperative institutions under the Acts referred to in section 3103(18) of this title and funds made available under subsection (c)(1)(B) of section 450i of this title shall not be subject to reduction for indirect costs or for tuition remission. No indirect costs or tuition remission shall be charged against funds in connection with cooperative agreements between the Department of Agriculture and State cooperative institutions if the cooperative program or project involved is of mutual interest to all the parties and if all the parties contribute to the cooperative agreement involved. The prohibition on the use of such funds for the reimbursement of indirect costs shall not apply to funds for international agricultural programs conducted by a State cooperative institution and administered by the Secretary or to funds provided by a Federal agency for such cooperative program or project through a fund transfer, advance, or reimbursement. The Secretary shall limit the amount of such reimbursement to an amount necessary to carry out such program or agreement.

(Pub. L. 95-113, title XIV, §1473, as added Pub. L. 97-98, title XIV, §1439(a), Dec. 22, 1981, 95 Stat. 1315; amended Pub. L. 99-198, title XIV, §1425, Dec. 23, 1985, 99 Stat. 1553; Pub. L. 102-237, title IV, §402(13), Dec. 13, 1991, 105 Stat. 1863; Pub. L. 110-234, title VII, §§7101(b)(4), 7406(d)(1), May 22, 2008, 122 Stat. 1213, 1252; Pub. L. 110-246, §4(a), title VII, §§7101(b)(4), 7406(d)(1), June 18, 2008, 122 Stat. 1664, 1975, 2013.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Pub. L. 110-246, §7406(d)(1), struck out “and subsection (d)” before “of section 450i”.

Pub. L. 110-246, §7101(b)(4), substituted “section 3103(18)” for “section 3103(16)”.

1991—Pub. L. 102-237 substituted “subsection (c)(1)(B)” for “subsection (c)(2)”.

1985—Pub. L. 99-198 inserted provisions making prohibition on use of funds for reimbursement of indirect costs inapplicable to funds for international agricultural programs but required the Secretary to limit the reimbursement to amounts necessary to carry out the programs.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7406(d)(1) of Pub. L. 110-246 inapplicable to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before June 18, 2008, see section 7406(c) of Pub. L. 110-246, set out as a note under section 450i of this title.

#### EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

### § 3319a. Cost-reimbursable agreements

Notwithstanding any other provision of law, the Secretary of Agriculture may enter into cost-reimbursable agreements with State cooperative institutions or other colleges and universities without regard to any requirement for competition, for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest. Reimbursable costs under such agreements shall include the actual direct costs of performance, as mutually agreed on by the parties, and the indirect costs of performance, not exceeding 10 percent of the direct cost.

(Pub. L. 95-113, title XIV, §1473A, as added Pub. L. 99-198, title XIV, §1426, Dec. 23, 1985, 99 Stat. 1553; amended Pub. L. 105-185, title II, §231, June 23, 1998, 112 Stat. 547.)

#### AMENDMENTS

1998—Pub. L. 105-185 inserted “or other colleges and universities” after “institutions” in first sentence.

### § 3319b. Joint requests for proposals

#### (a) In general

In carrying out any competitive agricultural research, education, or extension grant program authorized under this or any other Act, the Secretary may cooperate with 1 or more other Federal agencies (including the National Science Foundation) in issuing joint requests for proposals, awarding grants, and administering grants, for similar or related research, education, or extension projects or activities.

#### (b) Administration

##### (1) Secretary

The Secretary may delegate authority to issue requests for proposals, make grant awards, or administer grants, in whole or in part, to a cooperating Federal agency.

##### (2) Cooperating Federal agency

The cooperating Federal agency may delegate to the Secretary authority to issue requests for proposals, make grant awards, or administer grants, in whole or in part.

#### (c) Regulations

The Secretary and a cooperating Federal agency may agree to make applicable to recipients of grants—

(1) the post-award grant administration regulations applicable to recipients of grants from the Secretary; or

(2) the post-award grant administration regulations applicable to recipients of grants from the cooperating Federal agency.

**(d) Joint peer review panels**

Subject to section 3129a of this title, the Secretary and a cooperating Federal agency may establish joint peer review panels for the purpose of evaluating grant proposals.

(Pub. L. 95–113, title XIV, §1473B, as added Pub. L. 107–171, title VII, §7403(b), May 13, 2002, 116 Stat. 456.)

**PRIOR PROVISIONS**

A prior section 3319b, Pub. L. 95–113, title XIV, §1473B, as added Pub. L. 99–198, title XIV, §1427, Dec. 23, 1985, 99 Stat. 1553, provided for technology development for small- and medium-sized farming operations, prior to repeal by Pub. L. 101–624, title XVI, §1601(f)(1)(E), Nov. 28, 1990, 104 Stat. 3704.

**PURPOSES**

Pub. L. 107–171, title VII, §7403(a), May 13, 2002, 116 Stat. 456, provided that:

“The purposes of this section [enacting this section] are—

- “(1) to reduce the duplication of administrative functions relating to grant awards and administration among Federal agencies conducting similar types of research, education, and extension programs;
- “(2) to maximize the use of peer review resources in research, education, and extension programs; and
- “(3) to reduce the burden on potential recipients that may offer similar proposals to receive competitive grants under different Federal programs in overlapping subject areas.”

**§ 3319c. Repealed. Pub. L. 101–624, title XVI, § 1601(f)(1)(F), Nov. 28, 1990, 104 Stat. 3704**

Section, Pub. L. 95–113, title XIV, §1473C, as added Pub. L. 99–198, title XIV, §1427, Dec. 23, 1985, 99 Stat. 1554, provided for a special technology development research program.

**§ 3319d. Supplemental and alternative crops**

**(a) Research and pilot project program**

Notwithstanding any other provision of law, during the period beginning October 1, 1986, and ending September 30, 2012, the Secretary shall develop and implement a research project program for the development of supplemental and alternative crops, using such funds as are appropriated to the Secretary each fiscal year under this chapter.

**(b) Importance to producers**

The development of supplemental and alternative crops is of critical importance to producers of agricultural commodities whose livelihood is threatened by the decline in demand experienced with respect to certain of their crops due to changes in consumption patterns or other related causes.

**(c) Research funding, special or competitive grants, etc.; program requirements; agreements, grants and other arrangements**

(1) The Secretary shall use such research funding, special or competitive grants, or other means, as the Secretary determines, to further the purposes of this section in the implementation of a comprehensive and integrated program.

(2) The program developed and implemented by the Secretary shall include—

(A) an examination of the adaptation of supplemental and alternative crops;

(B) the establishment and extension of various methods of planting, cultivating, harvesting, and processing supplemental and alternative crops;

(C) the transfer of such applied research to on-farm practice as soon as practicable;

(D) the establishment through grants, cooperative agreements, or other means of such processing, storage, and transportation facilities for supplemental and alternative crops as the Secretary determines will facilitate the achievement of a successful program; and

(E) the application of such other resources and expertise as the Secretary considers appropriate to support the program.

(3) The program may include, but shall not be limited to, agreements, grants, and other arrangements—

(A) to conduct comprehensive resource and infrastructure assessments;

(B) to develop and introduce supplemental and alternative income-producing crops;

(C) to develop and expand domestic and export markets for such crops;

(D) to provide technical assistance to farm owners and operators, marketing cooperatives, and others;

(E) to conduct fundamental and applied research related to the development of new commercial products derived from natural plant material for industrial, medical, and agricultural applications; and

(F) to participate with colleges and universities, other Federal agencies, and private sector entities in conducting research described in subparagraph (E).

**(d) Use of expertise and resources of other Federal agencies and land-grant colleges and universities**

The Secretary shall use the expertise and resources of the Agricultural Research Service, the National Institute of Food and Agriculture, and the land-grant colleges and universities for the purpose of carrying out this section.

(Pub. L. 95–113, title XIV, §1473D, as added Pub. L. 99–198, title XIV, §1428, Dec. 23, 1985, 99 Stat. 1554; amended Pub. L. 101–624, title XVI, §1601(b)(5), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104–127, title VIII, §819, Apr. 4, 1996, 110 Stat. 1167; Pub. L. 105–185, title III, §301(a)(14), title VI, §606(a), June 23, 1998, 112 Stat. 562, 603; Pub. L. 107–171, title VII, §7115, May 13, 2002, 116 Stat. 433; Pub. L. 110–234, title VII, §§7136, 7511(c)(13), May 22, 2008, 122 Stat. 1228, 1268; Pub. L. 110–246, §4(a), title VII, §§7136, 7511(c)(13), June 18, 2008, 122 Stat. 1664, 1990, 2030.)

**REFERENCES IN TEXT**

For definition of “this chapter”, referred to in subsec. (a), see note set out under section 3102 of this title.

**CODIFICATION**

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

**AMENDMENTS**

2008—Subsec. (a). Pub. L. 110–246, §7136, substituted “2012” for “2007”.

Subsec. (d). Pub. L. 110-246, §7511(c)(13), substituted “the National Institute of Food and Agriculture” for “the Cooperative State Research Service, the Extension Service”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185, §301(a)(14), substituted “2002” for “1997”.

Subsec. (c)(3). Pub. L. 105-185, §606(a), made technical amendment to directory language of Pub. L. 104-127, §819(b)(5). See 1996 Amendment note below.

1996—Subsec. (a). Pub. L. 104-127, §819(a), (b)(1), substituted “1997” for “1995” and struck out “and pilot” after “research”.

Subsec. (c)(2)(B). Pub. L. 104-127, §819(b)(2), struck out “at pilot sites in areas adversely affected by declining demand for crops grown in the area” after “alternative crops”.

Subsec. (c)(2)(C). Pub. L. 104-127, §819(b)(3), struck out “from pilot sites” after “research”.

Subsec. (c)(2)(D). Pub. L. 104-127, §819(b)(4), struck out “near such pilot sites” after “facilities” and “pilot” after “successful”.

Subsec. (c)(3). Pub. L. 104-127, §819(b)(5), as amended by Pub. L. 105-185, §606(a), struck out “pilot” before “program” in introductory provisions.

Subsec. (c)(3)(E), (F). Pub. L. 104-127, §819(c), added subpars. (E) and (F).

1990—Subsec. (a). Pub. L. 101-624 substituted “1995” for “1990”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(13) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-185, title VI, §606(a), June 23, 1998, 112 Stat. 603, provided that the amendment made by section 606(a) is effective Apr. 6, 1996.

### § 3319e. New Era Rural Technology Program

#### (a) Definition of community college

In this section, the term “community college” means an institution of higher education (as defined in section 1001 of title 20)—

(1) that admits as regular students individuals who—

(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

(B) have the ability to benefit from the training offered by the institution;

(2) that does not provide an educational program for which the institution awards a bachelor’s degree or an equivalent degree; and

(3) that—

(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

(B) offers a 2-year program in engineering, technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

#### (b) Functions

##### (1) Establishment

###### (A) In general

The Secretary shall establish a program to be known as the “New Era Rural Technology Program”, to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

###### (B) Support

The initiative under this section shall support the fields of—

- (i) bioenergy;
- (ii) pulp and paper manufacturing; and
- (iii) agriculture-based renewable energy resources.

##### (2) Requirements for funding

To receive funding under this section, an entity shall—

(A) be a community college or advanced technological center, located in a rural area and in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

#### (c) Grant priority

In providing grants under this section, the Secretary shall give preference to eligible entities working in partnership—

- (1) to improve information-sharing capacity; and
- (2) to maximize the ability to meet the requirements of this section.

#### (d) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 95-113, title XIV, §1473E, as added Pub. L. 110-234, title VII, §7137, May 22, 2008, 122 Stat. 1229, and Pub. L. 110-246, §4(a), title VII, §7137, June 18, 2008, 122 Stat. 1664, 1990.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b)(2)(A), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 3319e, Pub. L. 95-113, title XIV, §1473E, as added Pub. L. 101-220, §5, Dec. 12, 1989, 103 Stat. 1878,



related to research into new commercial products from natural plant materials, prior to repeal by Pub. L. 102-237, title IV, § 402(14), Dec. 13, 1991, 105 Stat. 1863.

#### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

### § 3319f. Beginning farmer and rancher development program

#### (a) Definition of beginning farmer or rancher

In this section, the term “beginning farmer or rancher” means a person that—

- (1)(A) has not operated a farm or ranch; or
- (B) has operated a farm or ranch for not more than 10 years; and

(2) meets such other criteria as the Secretary may establish.

#### (b) Program

The Secretary shall establish a beginning farmer and rancher development program to provide training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers.

#### (c) Grants

##### (1) In general

In carrying out this section, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers, including programs and services (as appropriate) relating to—

- (A) mentoring, apprenticeships, and internships;
- (B) resources and referral;
- (C) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;
- (D) innovative farm and ranch transfer strategies;
- (E) entrepreneurship and business training;
- (F) model land leasing contracts;
- (G) financial management training;
- (H) whole farm planning;
- (I) conservation assistance;
- (J) risk management education;
- (K) diversification and marketing strategies;
- (L) curriculum development;
- (M) understanding the impact of concentration and globalization;
- (N) basic livestock and crop farming practices;
- (O) the acquisition and management of agricultural credit;
- (P) environmental compliance;
- (Q) information processing; and
- (R) other similar subject areas of use to beginning farmers or ranchers.

##### (2) Eligibility

To be eligible to receive a grant under this subsection, the recipient shall be a collaborative State, tribal, local, or regionally-based network or partnership of public or private entities, which may include—

- (A) a State cooperative extension service;
- (B) a Federal, State, or tribal agency;
- (C) a community-based and nongovernmental organization;
- (D) a college or university (including an institution awarding an associate's degree) or foundation maintained by a college or university; or
- (E) any other appropriate partner, as determined by the Secretary.

#### (3) Maximum term and size of grant

##### (A) In general

A grant under this subsection shall—

- (i) have a term that is not more than 3 years; and
- (ii) be in an amount that is not more than \$250,000 for each year.

##### (B) Consecutive grants

An eligible recipient may receive consecutive grants under this subsection.

#### (4) Matching requirement

To be eligible to receive a grant under this subsection, a recipient shall provide a match in the form of cash or in-kind contributions in an amount equal to 25 percent of the funds provided by the grant.

#### (5) Evaluation criteria

In making grants under this subsection, the Secretary shall evaluate—

- (A) relevancy;
- (B) technical merit;
- (C) achievability;
- (D) the expertise and track record of 1 or more applicants;
- (E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and
- (F) other appropriate factors, as determined by the Secretary.

#### (6) Regional balance

In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographical diversity.

#### (7) Priority

In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach.

#### (8) Set-aside

Not less than 25 percent of funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of—

- (A) limited resource beginning farmers or ranchers (as defined by the Secretary);
- (B) socially disadvantaged beginning farmers or ranchers (as defined in section 2003(e) of this title); and
- (C) farmworkers desiring to become farmers or ranchers.

#### (9) Prohibition

A grant made under this subsection may not be used for the planning, repair, rehabilita-

tion, acquisition, or construction of a building or facility.

**(10) Administrative costs**

The Secretary shall use not more than 4 percent of the funds made available to carry out this subsection for administrative costs incurred by the Secretary in carrying out this section.

**(d) Education teams**

**(1) In general**

In carrying out this section, the Secretary shall establish beginning farmer and rancher education teams to develop curricula and conduct educational programs and workshops for beginning farmers or ranchers in diverse geographical areas of the United States.

**(2) Curriculum**

In promoting the development of curricula, the Secretary shall, to the maximum extent practicable, include modules tailored to specific audiences of beginning farmers or ranchers, based on crop or regional diversity.

**(3) Composition**

In establishing an education team for a specific program or workshop, the Secretary shall, to the maximum extent practicable—

(A) obtain the short-term services of specialists with knowledge and expertise in programs serving beginning farmers or ranchers; and

(B) use officers and employees of the Department with direct experience in programs of the Department that may be taught as part of the curriculum for the program or workshop.

**(4) Cooperation**

**(A) In general**

In carrying out this subsection, the Secretary shall cooperate, to the maximum extent practicable, with—

- (i) State cooperative extension services;
- (ii) Federal and State agencies;
- (iii) community-based and nongovernmental organizations;
- (iv) colleges and universities (including an institution awarding an associate's degree) or foundations maintained by a college or university; and
- (v) other appropriate partners, as determined by the Secretary.

**(B) Cooperative agreement**

Notwithstanding chapter 63 of title 31, the Secretary may enter into a cooperative agreement to reflect the terms of any cooperation under subparagraph (A).

**(e) Curriculum and training clearinghouse**

The Secretary shall establish an online clearinghouse that makes available to beginning farmers or ranchers education curricula and training materials and programs, which may include online courses for direct use by beginning farmers or ranchers.

**(f) Stakeholder input**

In carrying out this section, the Secretary shall seek stakeholder input from—

(1) beginning farmers and ranchers;

(2) national, State, tribal, and local organizations and other persons with expertise in operating beginning farmer and rancher programs; and

(3) the Advisory Committee on Beginning Farmers and Ranchers established under section 5 of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102-554).

**(g) Participation by other farmers and ranchers**

Nothing in this section prohibits the Secretary from allowing farmers and ranchers who are not beginning farmers or ranchers from participating in programs authorized under this section to the extent that the Secretary determines that such participation is appropriate and will not detract from the primary purpose of educating beginning farmers and ranchers.

**(h) Funding**

**(1) In general**

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

(A) \$18,000,000 for fiscal year 2009; and

(B) \$19,000,000 for each of fiscal years 2010 through 2012.

**(2) Authorization of appropriations**

In addition to funds provided under paragraph (1), there is authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 107-171, title VII, § 7405, May 13, 2002, 116 Stat. 458; Pub. L. 110-234, title VII, § 7410, May 22, 2008, 122 Stat. 1254; Pub. L. 110-246, § 4(a), title VII, § 7410, June 18, 2008, 122 Stat. 1664, 2016.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

AMENDMENTS

2008—Subsec. (c)(3). Pub. L. 110-246, § 7410(a)(1), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “The term of a grant under this subsection shall not exceed 3 years.”

Subsec. (c)(5) to (10). Pub. L. 110-246, § 7410(a)(2), (3), added pars. (5) to (7) and redesignated former pars. (5) to (7) as (8) to (10), respectively.

Subsec. (h). Pub. L. 110-246, § 7410(b), added subsec. (h) and struck out former subsec. (h). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2007.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

DEFINITIONS

Pub. L. 107-171, title VII, § 7401, May 13, 2002, 116 Stat. 455, provided that: “In this subtitle [subtitle D

(§7401-7412) of title VII of Pub. L. 107-171, enacting this section and sections 3310a, 3319b, 5925c, 5925d, and 7630 of this title and provisions set out as notes under sections 3101, 3319b, 5925a, and 5925b of this title]:

“(1) DEPARTMENT.—The term ‘Department’ means the Department of Agriculture.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”

### § 3319g. Fees

In fiscal year 2003 and thereafter, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

(Pub. L. 108-7, div. A, title I, Feb. 20, 2003, 117 Stat. 17.)

#### REFERENCES IN TEXT

The agency, referred to in text, means the Agricultural Research Service.

#### CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, and also as part of the Consolidated Appropriations Resolution, 2003, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 107-76, title I, Nov. 29, 2001, 115 Stat. 709.  
 Pub. L. 106-387, §1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A-6.  
 Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1140.  
 Pub. L. 105-277, div. A, §101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-5.

### § 3319h. Funds for research facilities

In fiscal year 2003 and thereafter, funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

(Pub. L. 108-7, div. A, title I, Feb. 20, 2003, 117 Stat. 17.)

#### CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, and also as part of the Consolidated Appropriations Resolution, 2003, and not as part of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 which comprises this chapter.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 107-76, title I, Nov. 29, 2001, 115 Stat. 709.  
 Pub. L. 106-387, §1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A-6.  
 Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1140.  
 Pub. L. 105-277, div. A, §101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-5.  
 Pub. L. 105-86, title I, Nov. 18, 1997, 111 Stat. 2084.

Pub. L. 104-180, title I, Aug. 6, 1996, 110 Stat. 1574.

Pub. L. 104-37, title I, Oct. 21, 1995, 109 Stat. 304.

Pub. L. 103-330, title I, Sept. 30, 1994, 108 Stat. 2440.

Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1051.

Pub. L. 102-341, title I, Aug. 14, 1992, 106 Stat. 878.

### § 3319i. Capacity building grants for NLGCA Institutions

#### (a) Grant program

##### (1) In general

The Secretary shall make competitive grants to NLGCA Institutions to assist the NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

- (A) agriculture;
- (B) renewable resources; and
- (C) other similar disciplines.

##### (2) Use of funds

An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution—

- (A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;
- (B) to disseminate information relating to priority concerns to—

- (i) interested members of the agriculture, renewable resources, and other relevant communities;
- (ii) the public; and
- (iii) any other interested entity;

- (C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and
- (D) through—

- (i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);
- (ii) the professional growth and development of the faculty of the NLGCA Institution; and
- (iii) the development of graduate assistantships.

#### (b) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

(Pub. L. 95-113, title XIV, §1473F, as added Pub. L. 110-234, title VII, §7138, May 22, 2008, 122 Stat. 1230, and Pub. L. 110-246, §4(a), title VII, §7138, June 18, 2008, 122 Stat. 1664, 1991.)

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 3319j. Borlaug International Agricultural Science and Technology Fellowship Program**

**(a) Fellowship program**

**(1) In general**

The Secretary shall establish a fellowship program, to be known as the “Borlaug International Agricultural Science and Technology Fellowship Program,” to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

**(2) Programs**

The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

(A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;

(B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and

(C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

**(b) Eligible countries**

An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

**(c) Purpose of fellowships**

A fellowship provided under this section shall—

(1) promote food security and economic growth in eligible countries by—

(A) educating a new generation of agricultural scientists;

(B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

(C) extending that knowledge to users and intermediaries in the marketplace; and

(2) shall<sup>1</sup> support—

(A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;

(B) collaborative research to improve agricultural productivity;

(C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

(D) the reduction of barriers to technology adoption.

<sup>1</sup> So in original. The word “shall” probably should not appear.

**(d) Fellowship recipients**

**(1) Eligible candidates**

The Secretary may provide fellowships under this section to individuals from eligible countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

(A) individuals from the public and private sectors; and

(B) private agricultural producers.

**(2) Candidate identification**

The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

**(e) Use of fellowships**

A fellowship provided under this section shall be used—

(1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

(2) to support fellowship recipients through programs described in subsection (a)(2).

**(f) Program implementation**

The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

**(g) Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

(Pub. L. 95-113, title XIV, §1473G, as added Pub. L. 110-234, title VII, §7139, May 22, 2008, 122 Stat. 1231, and Pub. L. 110-246, §4(a), title VII, §7139, June 18, 2008, 122 Stat. 1664, 1992.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

SUBCHAPTER XI—AQUACULTURE

**§ 3321. Statement of purpose**

It is the purpose of this subchapter to promote research and extension activities of the institutions hereinafter referred to in section 3322(b) of